

24 April 2018

Enquiries: Jenny Elphinstone
Our Ref: CA 2275/2017 (Doc ID 850696)
Your Ref: P81728

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

W B Petrie & L H Petrie
C/- Planz Town Planning
PO Box 181
EDGE HILL QLD 4870

Attention Ms Nikki Huddy

Dear Madam

**DEVELOPMENT APPLICATION FOR COMBINED APPLICATION –
MATERIAL CHANGE OF USE FOR SHOPPING FACILITIES, RESTAURANT,
MULTI-UNIT HOUSING & HOLIDAY ACCOMMODATION
AT 49 MACROSSAN STREET PORT DOUGLAS
ON LAND DESCRIBED AS LOT 410 ON PTD2091**

Council refers to your application lodged for the above Development Application with Council on 20 September 2017.

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: CA 2275/2017 (43.2017.2275.1) in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482.

Yours faithfully


PAUL HOYE
Manager Sustainable Communities

cc. Cairns SARA CairnsSARA@dsd.qld.gov.au encl.

- Decision Notice
- Adopted Infrastructure Charges Notice

**DOUGLAS SHIRE COUNCIL
DECISION NOTICE
APPROVAL (WITH CONDITIONS)
(GIVEN UNDER SECTION 63 OF THE PLANNING ACT 2016)**

Council refers to your development application detailed below which was properly made on 28 September 2017. Please be aware that Douglas Shire Council has assessed your application and decided it as follows.

1. Applicant's details

Name: W & L Petrie
Postal Address: C/- Planz Town Planning
PO Box 181
EDGE HILL QLD 4870
Email: info@plantztp.com

2. Location details

Street Address: 49 Macrossan Street, Port Douglas
Real Property Description: Lot 410 on PTD2091
Local Government Area: Douglas Shire Council

3. Details of proposed development

Development Permit for Material Change of Use for a mixed development of Shopping Facilities, Restaurant and Multi-unit Housing and Holiday Accommodation (seven (7) units).

4. Decision

Date of decision: 24 April 2018.
Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

5. Approved drawing(s) and / or document(s)

Copies of the 'approved drawing(s) and / or document(s)' as detailed below are enclosed.

Drawing or Document	Reference	Date
Floor Plans	Prepared by TPG Architects, 49 Macrossan Street, Reference WLP-01 DA-100H dated December 2017 (Council electronic Document ID: 838319) and amended as per Condition 3.	To be determined
Sections and Elevations	Prepared by TPG Architects, 49 Macrossan Street, Reference WLP-01 DA-101D (Council electronic Document ID: 838319)	December 2017
Vehicle Swept Path Drawings	Prepared by CMG Consulting Engineers, Sheets 1 of 2 and 2 of 2 (Council electronic Document ID: 838319)	4 December 2017
Landscape Design Concept	Prepared by Andrew Proust Landscape Architect, Project 1238, Demolition Plan - Tree removal and Palm Retention Survey LA-E.01 and Landscape Concept Plan LA-P.01	5 December 2017

6. Conditions

This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

7. Further development permits

1. The following Development Permits are required to be obtained before the development can be carried out:
 - a. Development Permit for Building Work;
2. Approval is required from the Department of Transport and Main Roads for a Road Access Works Approval; and
3. Plumbing approvals are required work under the Plumbing and Drainage Act 2002.

8. Referrals

The Queensland Department of State Development, Manufacturing, Infrastructure and Planning, a referral agency, has issued a Decision (reference TMR 17-022871 (500-1184), Council electronic reference document ID: 839643, requiring conditions to be applied to the approval.

9. Properly made submission(s)

Douglas Shire Council Decision Notice
Section 63 of the *Planning Act 2016*

Properly made submissions were received from the following principal submitter(s).

There was one properly made submission.

Name of Principal Submitter	Address
Regal Body Corporate Committee, Regal On Macrossan Body Corporate CTS—28497	C/— Body Corporate Services, PO Box 1, Port Douglas QLD 4877

The ground of submission sought the continued stability of the adjacent boundary wall. This matter is addressed through Condition 4 requiring a dilapidation survey of the neighbouring wall to the common boundary to be undertaken prior to the issue of a Development Permit for Building Work and a copy is to be provided to the neighbouring property owner and to the Building Certifier.

10. *Currency period for the approval*

Under section 85(1)(a)(i) of the *Planning Act 2016*, the relevant period for the Preliminary Approval is to be six (6) years starting from the day the approval takes effect.

11. *Reasons for Decision*

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. the approved plan(s) and document(s) as per A above;
 - b. the Conditions and advices as per B and E above; and
 - c. to ensure the development satisfies the benchmarks of the 2006 Douglas Shire Planning Scheme (as amended);
 - d. to apply the referral agency decision, including the attaching of conditions to the approval;
 - e. to consider the submission received and accordingly address this matter through conditions of the approval as per D above; and
 - f. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council on 28 September 2017 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules;
 - b. the application was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning (previously known as Department of Infrastructure, Local Government and Planning) to which a referral agency decision was received;

- c. the application was considered to have been properly notified under the Development Assessment Rules and one properly made submission was received;
 - d. the development application contained a report and a response to Council's request for information from the applicant which Council reviewed together with Council's own investigation of assessment against the State Development Requirements and the 2006 Douglas Shire Planning Scheme (as amended) and the properly made submission in making its assessment manager decision.
3. Evidence or other material on which findings were based:
- a. the development triggered assessable development under the Assessment Table associated with the Port Douglas and environs Locality, 2006 Douglas Shire Planning Scheme (as amended);
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions the development satisfactorily meets the Planning Scheme requirements;
 - ii. The onsite provision of fourteen (14) car spaces is considered to satisfy the Performance Criteria P9, Port Douglas and Environs Amenity Code and P1 of the Vehicle Access and Parking Code;
 - iii. The proposed setbacks are considered to satisfy the Performance Criteria A2 of the Commercial Planning Area Code;
 - iv. The awning to the streetscape can be suitably amended by a condition of the approval to satisfy the Performance Criteria P3 of the Commercial Planning Area Code;
 - v. The provision of a loading area on the street is considered to satisfy the Performance Criteria P5 of the Commercial Planning Area Code;
 - vi. The development is suitable and satisfies the Performance Criteria P1 of the Multi-unit Housing and Holiday Accommodation Code;
 - vii. Screening to the balcony as addressed through the conditions of the approval and satisfactorily meets the Performance Criteria P3 of the Multi-unit Housing and Holiday Accommodation Code;
 - viii. The proposed driveway landscaping is considered to satisfy the Performance Criteria P5 of the Multi-unit Housing and Holiday Accommodation Code; and

- ix Concerns raised in the submission can be suitably addressed through a condition of the approval.

12. Applicant's rights to make representations and rights of appeal

The rights of applicants to make representations and the rights to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

Schedule 2 is an extract from the *Planning Act 2016* that sets down the applicant's rights to make representations and the applicant's appeal rights.

SCHEDULE 1 – CONDITIONS AND ADVICE

PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

The approval is subject to the following conditions and advices

Assessment Manager Conditions

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Amended Plan

3. The proposed development must be generally in accordance with the Floor Plans, prepared by TPG Architects drawing WLP-01 DA-100H, dated December 2017, (Council electronic document D#838319) and as amended to accommodate the following:
 - a. inclusion of at least one disabled driver car parking space;
 - b. provision of a suitable sign advising of limited vehicle access to the basement parking is restricted to Class 1 Vehicle and maximum vehicle clearance heights;
 - c. inclusion of suitable traffic warning signs regarding vehicle ramp access and pedestrian activity on sidewalk;
 - d. relocation of the street light to an appropriate position, sufficiently away from the driveway access;
 - e. relocation of the utility service manhole away from the vehicle access driveway to a location approved by the utility owner;
 - f. the form of the kerb and channel to the road to match the existing to the neighbouring development to the south-east;
 - g. paving of the pedestrian footpath in pavers to match the existing paving to the south-east and to extend in width to match the neighbouring development to the south-east;

- h. the awning to the street be extended to the north-west over the pedestrian sidewalk area, towards the new driveway and to be of a width that provides protection to the width of the pedestrian sidewalk area;
- i. the Macrossan Street front balconies may only be screened by shutters, glazing, louvres or similar permanent structures to a maximum extent of twenty-five per cent (25%) of their horizontal dimension. The remaining seventy-five per cent (75%) must be capable of remaining open; and
- j. removal of the dining table and chairs from the adjacent sidewalk area.

Details of the above amendments must be included in the subsequent application for a Development Permit.

Survey of wall

- 4. Prior to the issue of a Development Permit for Building Work for new building work the applicant must undertake a dilapidation report of the adjacent wall along the common south-eastern boundary. A copy of the report must be provided to the neighbouring property owner and to the Building Certifier.

Availability of Parking Areas

- 5. The basement parking area must be available for use by all businesses and accommodation units on the land including visitors to the site for all times that the businesses operate and accommodation units are occupied.

Maintain Clearance walkway

- 6. At all times maintain a minimum 2m wide, cleared walkway on the terrace area between the restaurant and the shop.

Toilets

- 7. For all times that the restaurant is open to trade, the toilets must be available to customers. Where the shopping facilities provide service of food and beverages the toilets must also be made available to customers during operating hours. The toilets must be available to staff at all trading times.

Noise Attenuation

- 8. The internal areas of all residential units must be suitably attenuated from noise intrusion associated with night time activities, such as outdoor dining, bars and nightclubs.

Damage to Council Infrastructure

9. In the event that any part of Council's existing sewer, water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

Water Supply and Sewerage Works External

10. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
- a. Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage; and
 - b. Augment existing sewers and pump station downstream of the site, to the extent required to accommodate the increased flows generated by the development;

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first

Water Supply and Sewerage Works Internal

11. Undertake the following water supply and sewerage works internal to the subject land:
- a. Provide a single internal sewer connection which must be clear of any buildings or structures;
 - b. Provide a single internal water connection;
 - c. Water supply sub-metering must be designed and installed in accordance with the Queensland Development Code and the Water Supply (Safety and Reliability) Act 2008 (applies to developments which will be reconfigured by Building Format Plan and separately titled)
 - d. Replace the existing sewer main under or within 1.5 metres of the building and within the zone of influence of the footings and foundations with uPVC sewer pipe class SN8.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Inspection of Sewers

12. CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Vehicle Parking

13. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 14 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked and these attributes must be maintained for the life of the development. At least one car parking space must be provided for disabled drivers.

Protection of Landscaped Areas from Parking

14. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Parking Signage

15. Erect signs advising of the location of the ramp advising of the availability of the off-street visitor parking area. The signs must be erected prior to Commencement of Use.

Bicycle Parking

16. The bicycle parking area must be constructed prior to Commencement of Use and maintained for the life of the development.

Lighting

17. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

External Works

18. Undertake the following works external to the land at no cost to Council:

- a. Construct the vehicle access apron and crossover, kerb and channel and landscaped garden verge island, generally in accordance with the TMR approved design;
- b. Construct full-width sidewalk with paving to match the neighbouring development to the south-east. Where the existing pavers are not re-used these pavers must be returned to Council;
- c. Provide permanent tactile ground surface Indicators in accordance with Australian Standard AS1428.4: 2002 Design for Access and Mobility Part 4: Tactile Indicators prior to the vehicle access ramp area;
- d. Relocate the utility services pit and cover to a more appropriate location in agreement with the service provider;
- e. Relocate the street pole away from the access driveway to a suitable safe position;
- f. Make good the kerb(s) at redundant crossover(s);
- g. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development;
- h. Construct and landscape the island within the road area as nominated on the plans;
- i. Linemark parking space and loading area in front of and adjacent to the subject land; and
- j. Erect parking, loading bays and temporary access waiting area signs outside the subject land.

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e., the provision of temporary kerb ramps if pedestrian diversions are necessary.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Above Ground Transformer Cubicles / Electrical Sub-Stations

19. Any required above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind suitable screening, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

Drainage Study of Site

20. Undertake a local drainage study on the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the subject site must have no worsening effect on the drainage of upstream or downstream properties. The study must also identify the need and location of any drainage easements to convey stormwater to the lawful point of discharge. The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Acid Sulfate Soils – Basement / Pool Disturbance

21. The basement / pool excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' produced by the Department of Natural Resources and Mines (previously DNRW), and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRW 'Queensland Acid Sulfate Soil Technical Manual'.

Basement Parking

22. Submit a report prepared by a qualified and registered geotechnical engineer on the basement parking and a separate report on the dewatering process. Both reports must be endorsed by the Chief Executive Officer prior to commencement of any works on the site.
 - a. The basement parking report must include, but is not limited to the following:
 - i. Stability and protection to Macrossan Street and all adjoining properties;
 - ii. Construction techniques;

- iii. Techniques to imperviously seal the basement; and
 - iv. Method of basement ventilation.
- b. The dewatering report must include, but is not limited to the following:
- i. Method of water extraction pre- and post-development and the layout of the dewatering pumps and pipelines;
 - ii. Water quality;
 - iii. Lawful discharge of water; and
 - iv. How the results (being the form and frequency) will be reported to Council.
- c. The access to the basement parking area must be designed to prevent 100 year ARI flood waters from entering the basement parking area and must have a minimum vertical clearance of 2.1 metres.

Stockpiling and Transportation of Fill Material

23. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times;
 - b. before 7:00 am or after 6:00 pm Monday to Friday;
 - c. before 7:00 am or after 1:00 pm Saturdays; or
 - d. on Sundays or Public Holidays.
24. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

25. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Sewer Easement/s

26. Create an easement having a suitable width in favour of Council over the proposed new sewer within the site to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval by Council's solicitors at no cost to Council.

The easement is to be provided either:

- a. The approved easement documents must be submitted at the same time as seeking approval and dating of the Building Format Plan and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey;

OR

- b. The approved easement documents must be lodged and registered with the Department of Natural Resources and Mines prior to the commencement of use,

whichever occurs first.

Landscaping Plan

27. The site must be landscaped in accordance with details included on a Landscaping Plan. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

28. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Minimum Fill and Floor Levels

29. All floor levels in all buildings must be located 300mm above the Q100 flood immunity level plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Sediment and Erosion Control

30. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).

Combined Height of Fencing / Retaining Walls

31. The combined height of any retaining wall and fence must not exceed 2.5 metres in height without written agreement of neighbouring property owners. Any alternative written agreements with neighbouring property owners must be provided to and endorsed by the Chief Executive Officer in association with Council's assessment of the Landscaping Plan.

Ponding and/or Concentration of Stormwater

32. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Geotechnical Assessment

33. A geotechnical assessment of the site in conjunction with the retaining wall design must be carried out by a qualified and experienced geotechnical consultant, and the design must be amended to incorporate recommendations made. The geotechnical report and details of any amendments to design must be must be endorsed by the Chief Executive Officer prior to issue of the Development Permit for Building Works.

Refuse Storage

34. Refuse storage is required to service the site in accordance with Council requirements.
35. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

Liquid Waste Disposal

36. Trade waste discharge to sewer must comply with Council's Trade Waste Environmental Management Plan (TWEMP).

A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.

The applicant must have all measures for pre-treatment installed prior to commencement of use.

Details of Development Signage

37. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

Advertising Signage

38. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

Construction Signage

39. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:

- a. Developer;
- b. Project Coordinator;
- c. Architect / Building Designer;
- d. Builder;
- e. Civil Engineer;
- f. Civil Contractor;
- g. Landscape Architect.

Crime Prevention Through Environmental Design

40. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).

PART 1B—ADVICE NOTES

ADVICES

1. The survey required under Condition 4 may need to be complimented by a further survey(s) as required by the Project Engineer and the Building Certifier at the time of the basement excavation and consultation with the neighbouring property owner is recommended.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. Supporting documentation outlining the required information for the Dewatering Report is attached to this Development Approval. Further information can be obtained from Council.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. In particular the use of the adjacent sidewalk area is subject to a Local Law approval for outdoor dining. The use of the sidewalk area for outdoor dining is subject to a Local Laws approval.
5. The Applicant's amended drawing prepared by TPG Architects, WLP-01, DA-100J, dated 7 March 2018, satisfactorily meets the amended design requirements as listed under Condition 3 parts a, b and h.
6. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

7. For information relating to the *Planning Act 2016* log on to www.dsdip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.

LAND USE DEFINITIONS*

In accordance with the *2006 Douglas Shire Planning Scheme (as amended)*, the approved land uses of land are defined as follows.

Holiday Accommodation

Means the use of premises for the accommodation of tourists or travellers in private accommodation.

The use may include:

- Restaurants;
- bars;
- meeting and function facilities;
- dining room;
- facilities for the provision of meals to guests;
- a manager's unit and office; and
- a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished, (if a freestanding replica), or converts to its intended purpose within the complex when these facilities are an integral part of the accommodation.

The use includes facilities commonly described as:

- holiday apartments or suites;
- international or resort hotel or motel.

Multi-Unit Housing

Means the use of premises comprising two or more Dwelling Units on one lot for residential purposes. The use includes accommodation commonly described as:

- duplexes;
- flats;
- home units;
- apartments;
- townhouses;
- villa houses; or
- a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished if a freestanding replica or converts to its intended use within the complex.

Restaurant

Means the use of licensed or unlicensed premises for the provision of meals or light refreshments to members of the public for consumption on or off the premises.

The use includes facilities commonly described as:

- bistro;
- bar and grill;
- café;
- milk bar;
- snack bar;
- coffee shop;
- tearoom;
- takeaway;
- drive through food outlet; and
- fast food outlet.

Shopping Facilities

Means the use of premises for the display and retail sale of goods and for personal services such as betting (in the form of TAB agency or similar facility), hair and beauty care, laundromat, dry cleaning agent and other customer services.

The use includes:

- the hiring out of small domestic items such as appliances, entertainment, sporting and health equipment;
- the exchange of domestic items and clothing; and
- a small scale bakery, dressmaking establishment, jewellery manufacturing establishment, etc., where the use includes a shopfront retail component.

The use also includes facilities commonly described as shop, supermarket, department store, retail chain outlets and the like.

The use does not include facilities herein defined as Display Facilities.

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

PART 1C—CONCURRENCE AGENCY CONDITIONS

RAG-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our reference: 1710-2156-SRA
Your reference: CA2275/2017

12 January 2018

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman Qld 4873
enquiries@douglas.qld.gov.au

Attention: Jenny Elphinstone

Dear Sir/Madam

Referral agency response—with conditions
(Given under section 58 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 23 October 2017.

Applicant details

Applicant name:	W & L Petrie c/- Planz Town Planning Pty Ltd
Applicant contact details:	PO Box 161 Edge Hill QLD 4870 info@planztp.com

Location details

Street address:	49 Macrossan Street (Port Douglas Road), Port Douglas
Real property description:	Lot 410 on PTD2091
Local government area:	Douglas Shire Council

Application details

Development permit	Material change of use for shopping facilities, restaurant, multi-unit housing and holiday accommodation.
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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

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Far North Queensland regional office
Ground Floor, One Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

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1710-2156 SRA

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the assessment manager

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

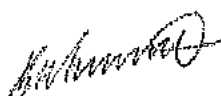
The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material change of use				
Floor Plans	TPG Architects	December 2017	DA-100H	
Vehicle Swept Paths	C.M.G Consulting Engineers Pty Ltd	4 December 2017	Sheet 1 of 2	
TMR Layout Plan (6504-5.46km)	Queensland Government, Transport and main Roads	08/01/2018	TMR17-22871(500-1184)	A

A copy of this response has been sent to the applicant for their information.

For further information please contact Belinda Jones, Senior Planning Officer, on 40373239 or via email CeirnsSARA@dlp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc: W & L Peirle c/- Planz Town Planning Pty Ltd, info@planztp.com

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the assessment manager
Approved plans and specifications

Department of State Development, Manufacturing, Infrastructure and Planning

Page 2 of 9

Douglas Shire Council Decision Notice
Section 63 of the Planning Act 2016

1710-2166 SRA

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use		
10.9.4.2.4.1 State transport infrastructure—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The car parking and access arrangements must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> Floor Plans prepared by TPG Architects, dated December 2017, Reference DA-100H. Vehicle Swept Paths, prepared by C.M.G Consulting Engineers Pty Ltd, dated 4 December 2017, sheet 1 of 2. 	Prior to the commencement of use and to be maintained at all times
2.	(a) The road access location is to be located generally in accordance with TMR Layout Plan (6504-5.49km), prepared by Queensland Government Transport and Main Roads, Reference TMR17-22871(500-1164), dated 08/01/2018, issue A, (b) Road access works comprising a Commercial/Industrial Vehicle Crossing must be designed and constructed in accordance with FNQROC Standard Drawing S1015.	(a) At all times (b) Prior to commencement of use
3.	(a) The existing vehicle property access located between Macrossan Street and Lot 410 on PTD2091 must be permanently closed and removed. (b) The kerb and channel, table drain and concrete footpath must be reinstated in accordance with FNQROC standards.	Prior to commencement of use
4.	The location of the property gate must be positioned wholly within the boundaries of Lot 410 on PTD2091 such that: <ol style="list-style-type: none"> No other gate infrastructure is to encroach into the state-controlled road corridor, The gate must open away from, or parallel to, Macrossan Street, It is controlled remotely, and There is no requirement for traffic to queue on Macrossan Street. 	At all times
5.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Any works on the land must not: <ol style="list-style-type: none"> create any new discharge points for stormwater runoff onto the state-controlled road; interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; surcharge any existing culvert or drain on the state-controlled road; reduce the quality of stormwater discharge onto state-controlled road. 	(a) and (b) At all times
6.	Any excavation, filling/backfilling/compaction, retaining structures and other works involving ground disturbance must not encroach or de-stabilise the state-controlled road or the land supporting this infrastructure, or cause similar adverse impacts.	At all times

Department of State Development, Manufacturing, Infrastructure and Planning

Page 3 of 9

1710-2156 BRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

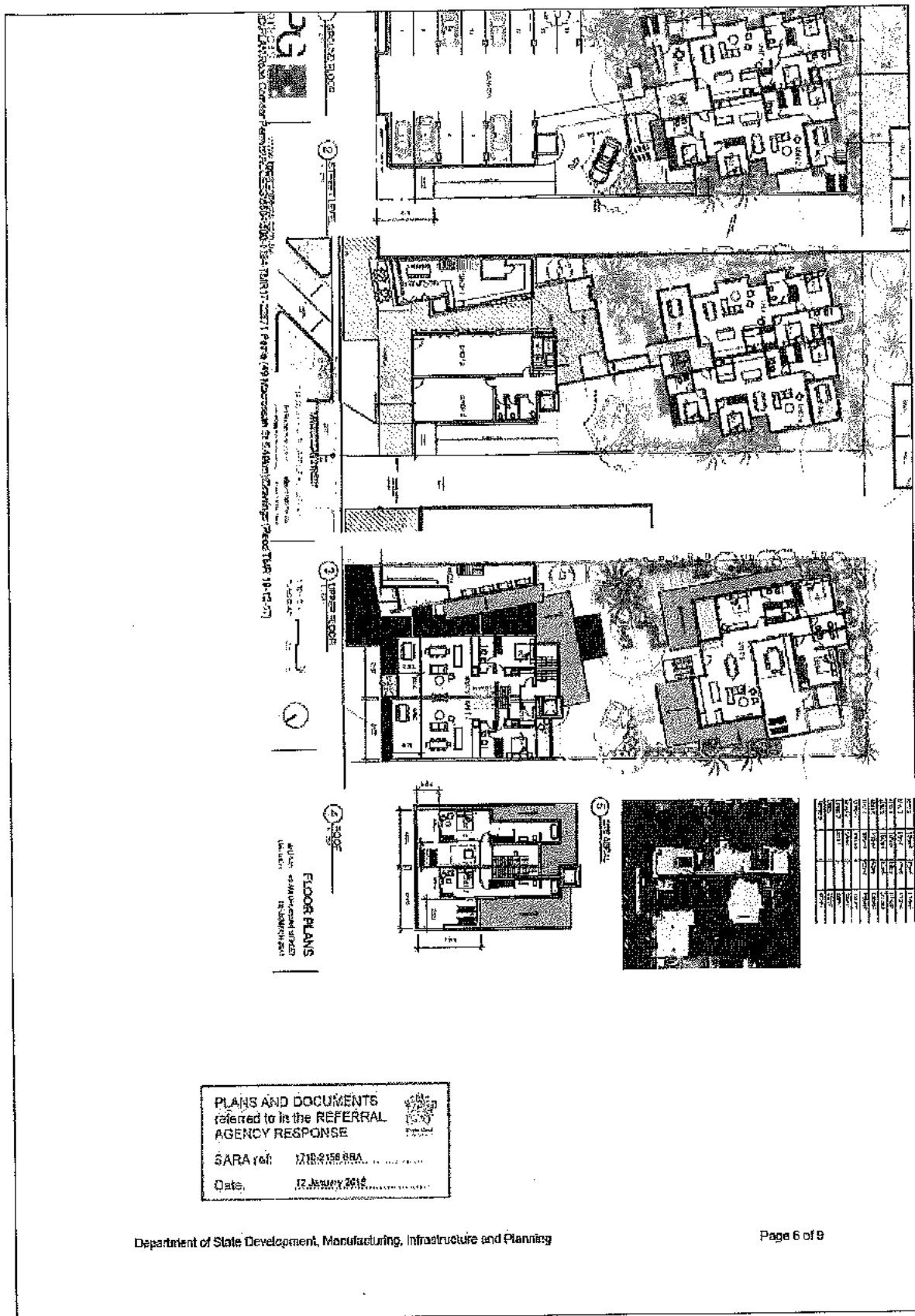
- To ensure that the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.
- To maintain the safety and efficiency of the state-controlled road by reducing the number of road accesses.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-controlled road.
- To ensure the development and its construction does not cause adverse structural impacts on state-transport infrastructure.

Douglas Shire Council Decision Notice
Section 63 of the *Planning Act 2016*

1710-2156 SRA

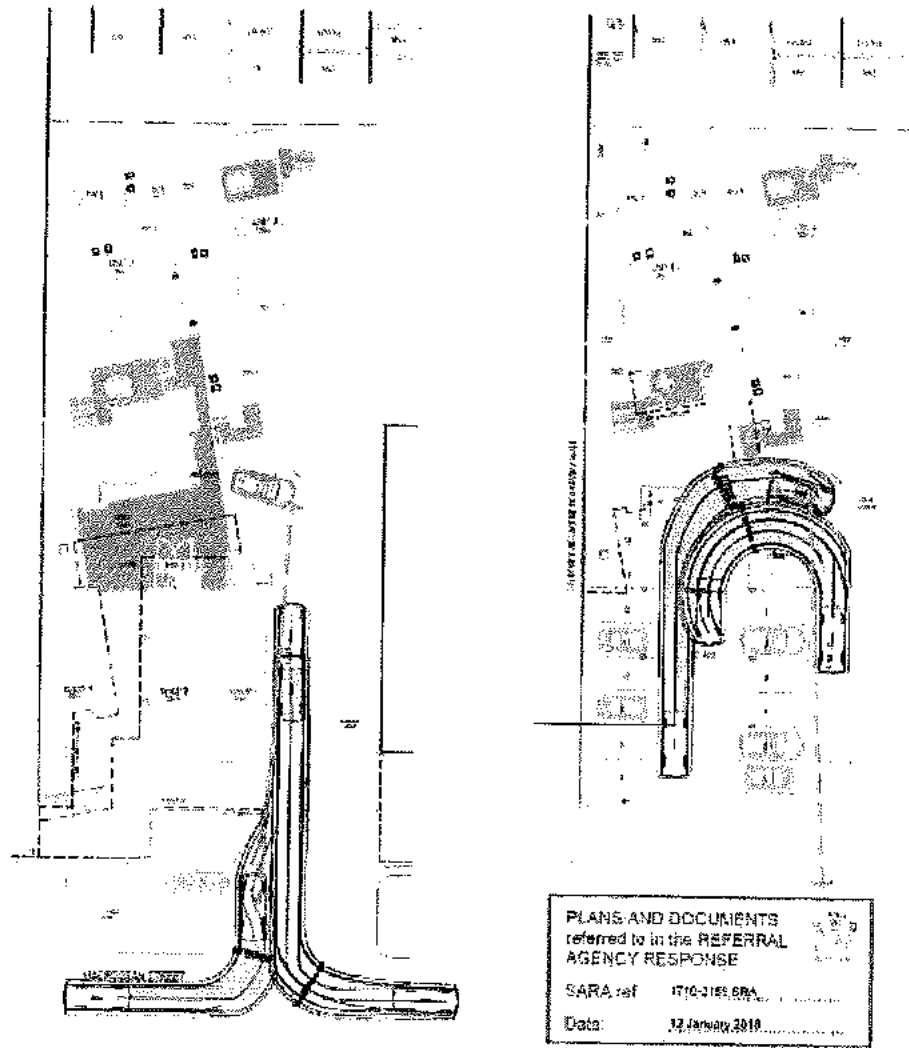
Attachment 3—Advice to the assessment manager

General advice	
Advertising advice	
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015 to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>
Transport noise corridor	
2.	<p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1975 as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the Department of Local Government and Planning website: http://www.dilgp.qld.gov.au/planning/state-planning-instruments/epp-interactive-mapping-system.html and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors (NAPMAP) are located under Administrative Layers within the State Planning Policy (SPP) mapping system.</p>
Further development permits required	
Road works approval	
3.	<p>In accordance with section 33 of the Transport Infrastructure Act 1994 (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the TIA to carry out road works. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>
Road corridor permit	
4.	<p>An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 8 of the Transport Infrastructure Act 1994 and Part 5 and Schedule 1 of the Transport Infrastructure (State-Controlled Roads) Regulation 2006. Please contact the Department of Transport and Main Roads on 4045 7144 at the Cairns district office to make an application for a Road Corridor Permit.</p> <p>Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.</p>



1710-2156 SRA

49 Macrossan Street



CMG CONSULTING ENGINEERS P. LTD.
 405, GEORGE ST. SYDNEY AUSTRALIA

330 11/27/2014
 330 11/27/2014
 330 11/27/2014

\$5.00 CAD PLAM Road Corridor Permit \$45.00 CAD CESS #104-500-1134 T8937-22674 Petrie (AG Macrossan St; 5.49km) Drawings (Road TMR 10-13-17)

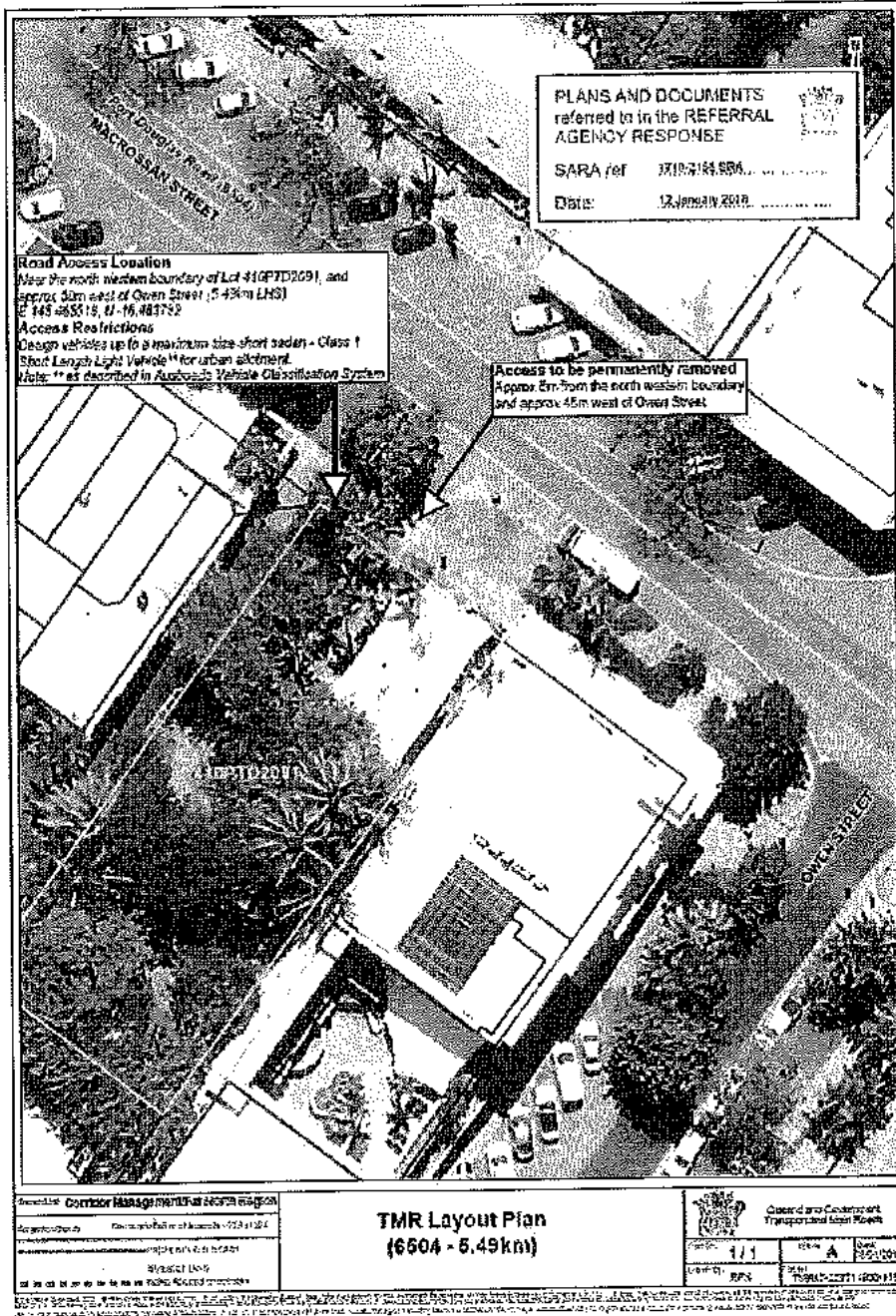
Vehicle Swept Paths

Sheet 1 of 2

4 DEC 2017

Douglas Shire Council Decision Notice
Section 63 of the *Planning Act 2016*

1710-2156 SRA



Douglas Shire Council Decision Notice
Section 63 of the Planning Act 2016

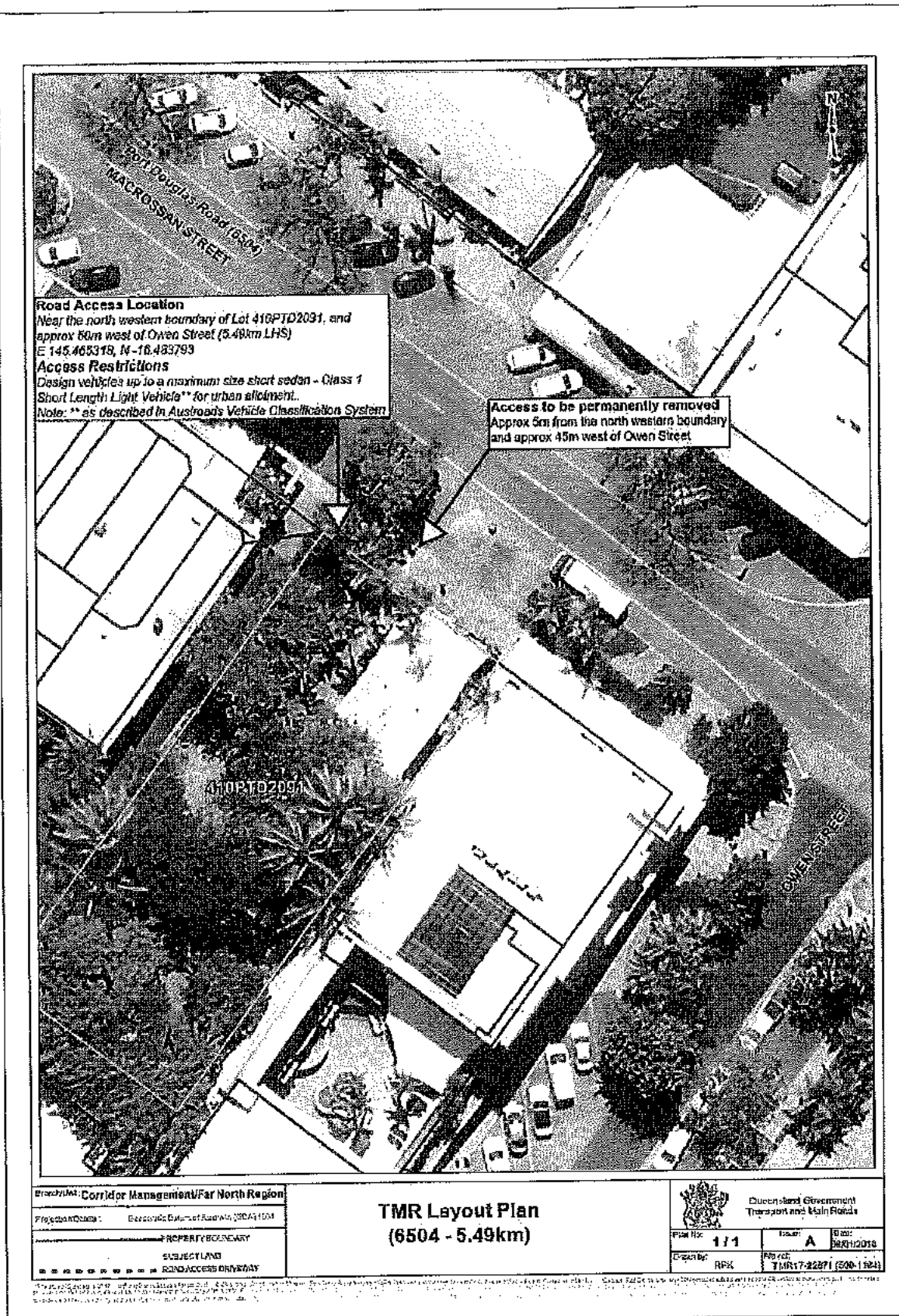
<p>NOTES</p> <ol style="list-style-type: none"> 1. Applicant's Planning Proposal is for a proposed new building. 2. Applicant's Planning Proposal is for a proposed new building. 3. Applicant's Planning Proposal is for a proposed new building. 4. Applicant's Planning Proposal is for a proposed new building. 5. Applicant's Planning Proposal is for a proposed new building. 6. Applicant's Planning Proposal is for a proposed new building. 7. Applicant's Planning Proposal is for a proposed new building. 8. Applicant's Planning Proposal is for a proposed new building. 9. Applicant's Planning Proposal is for a proposed new building. 10. Applicant's Planning Proposal is for a proposed new building. 11. Applicant's Planning Proposal is for a proposed new building. 12. Applicant's Planning Proposal is for a proposed new building. 		<p>PLAN</p>	
<p>DISCLAIMER</p> <p>The information contained in this document is for general information only. It is not intended to constitute an offer of any financial product or service, nor is it intended to constitute an offer of any financial product or service. The information contained in this document is for general information only. It is not intended to constitute an offer of any financial product or service, nor is it intended to constitute an offer of any financial product or service.</p>		<p>ACCESS CROSSOVERS</p>	
<p>STANDARD DRAWING S1015</p>		<p>COMMERCIAL & INDUSTRIAL VEHICLE CROSSING</p>	

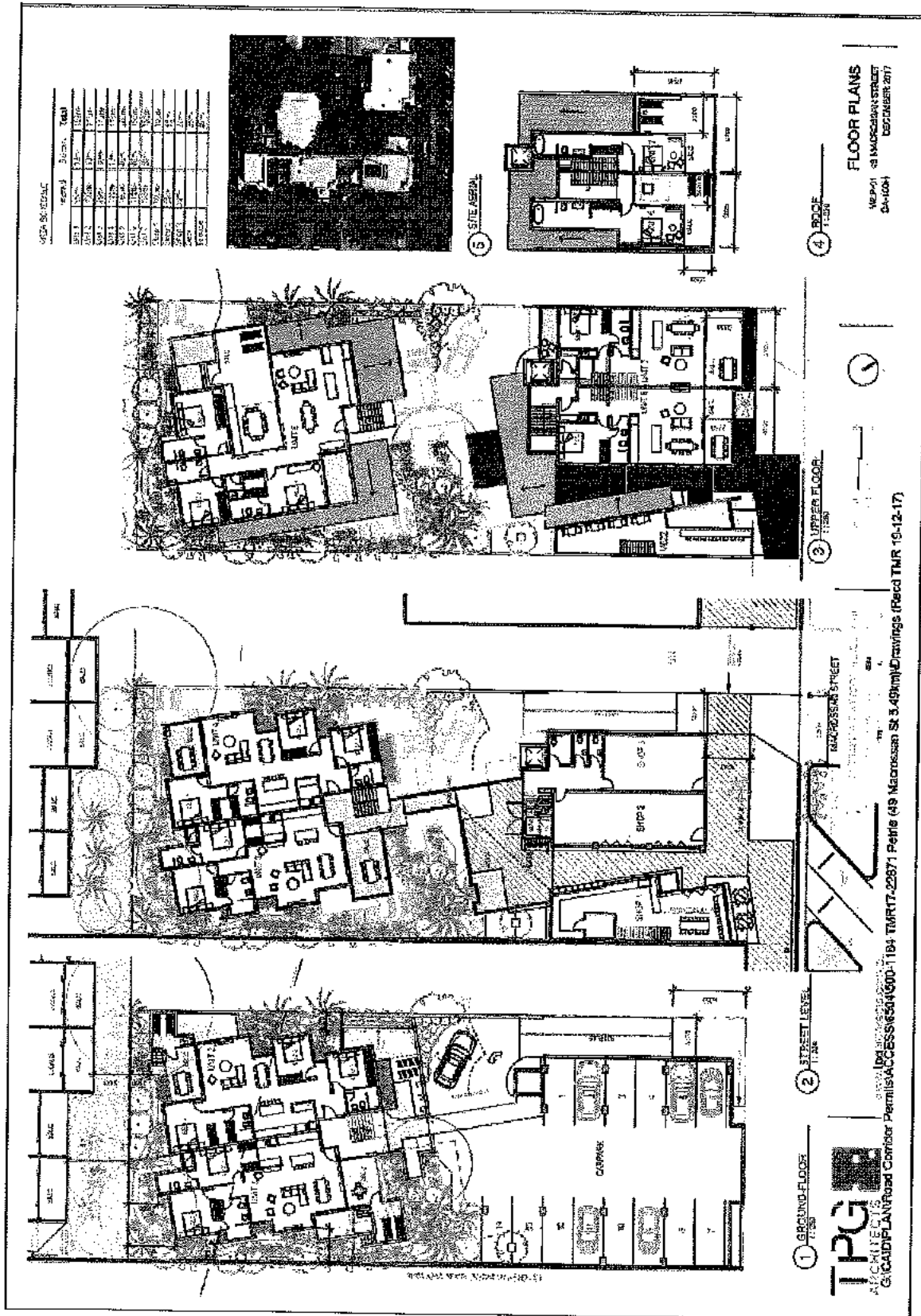
PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 1219-2188-00A

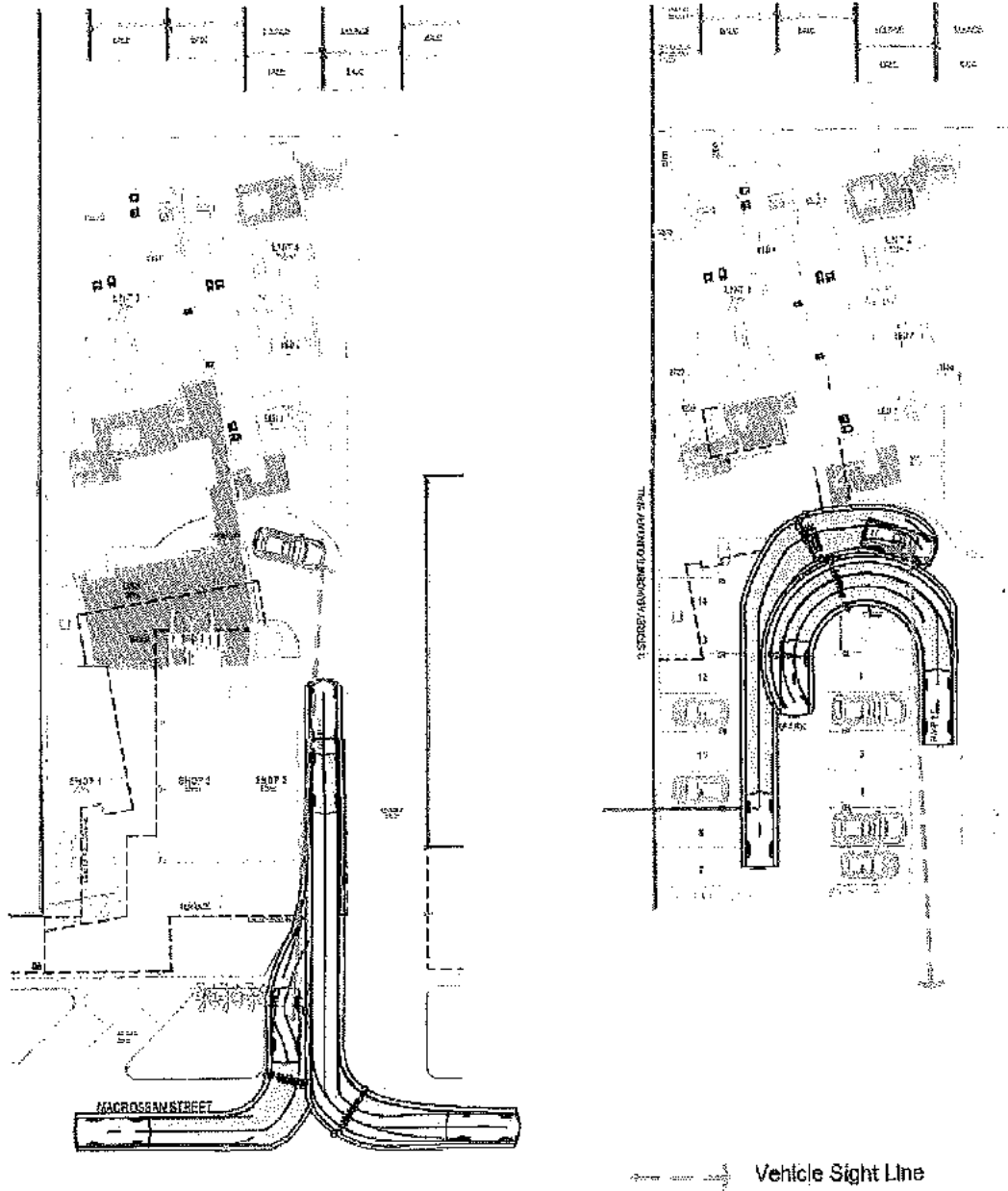
Date: 12 January 2019

Douglas Shire Council Decision Notice
Section 63 of the *Planning Act 2016*





49 Macrossan Street



C.M.G. CONSULTING
ENGINEERS PTG LTD

Level 105 and 106 Structural and Civil

200 Bunker Street
Cairns 4870
Phone: (07) 4034 2776 Fax: (07) 4037 5013
P.O. Box 2501
Cairns 4870

Vehicle Swept Paths

Sheet 1 of 2

4 DEC 2017

G:\CAID\PLAN\Road Corridor Permits\ACCESS\504\500-1184 TMR17-22871 Patra (49 Macrossan St 5.48km)\Drawings (Recd TMR 19-12-17)

Douglas Shire Council Decision Notice
Section 63 of the Planning Act 2016

Guide to Traffic Management Part 3: Traffic Studies and Analysis

Table A 6: Austroads vehicle classification systems (updated in 1994)

Level 1	Level 2		Level 3	Austroads classification	
Length (indicative)	Axles and axle groups		Vehicle type		
Type	Axles	Groups	Description	Class	Parameters
Short Up to 5.5 m	Light vehicles				
	2	1 or 2	Short Sedan, wagon, 4WD, utility, light van, bicycle, motorcycle, etc.	1	$d_1 \leq 3.2$ m and axles = 2
Medium 5.5 m to 14.5 m	3, 4 or 5	3	Short-trailing trailer, caravan, boat, etc.	2	groups = 3, $2.1 \text{ m} \leq d_1 \leq 3.2 \text{ m}$ $d_2 \geq 2.1 \text{ m}$, and axles = 3, 4 or 5
	Heavy vehicles				
	2	2	Two axle truck or bus	3	$d_1 > 3.2$ m and axles = 2
	3	2	Three axle truck or bus	4	Axles = 3 and groups = 2
	> 3	2	Four axle truck	5	Axles > 3 and groups = 2
Long 14.5 m to 19.0 m	3	3	Three axle articulated or rigid vehicle and trailer	6	$d_1 > 3.2$ m Axles = 3 and groups = 3
	4	> 2	Four axle articulated or rigid vehicle and trailer	7	$d_2 < 2.1$ m, or $d_1 < 2.1$ or $d_1 > 3.2$ m Axles = 4 and groups > 2
	5	> 2	Five axle articulated or rigid vehicle and trailer	8	$d_2 < 2.1$ m, or $d_1 < 2.1$ or $d_1 > 3.2$ m Axles = 5 and groups > 2
	6 > 6	> 2 3	Six axle (or more) articulated or rigid vehicle and trailer	9	Axles = 5 and groups > 2; or axles > 5 and groups = 3
Medium combination 17.5 m to 30.5 m	> 6	4	B Double or heavy truck and trailer	10	Axles > 6 and groups = 4
	> 6	5 or 6	Double road train or heavy truck and two trailers	11	Axles > 8 and groups = 5 or 6
Long combination over 33 m	> 6	> 6	Triple road train or heavy truck and three trailers	12	Axles > 6 and groups > 6

Definitions:

Group: (axle group) – where adjacent axles are less than 2.1 m apart

Groups: number of axle groups

Axles: number of axles (maximum axle spacing of 10 m)

d_1 : distance between first and second axle

d_2 : distance between second and third axle

Austroads 2013

— 119 —

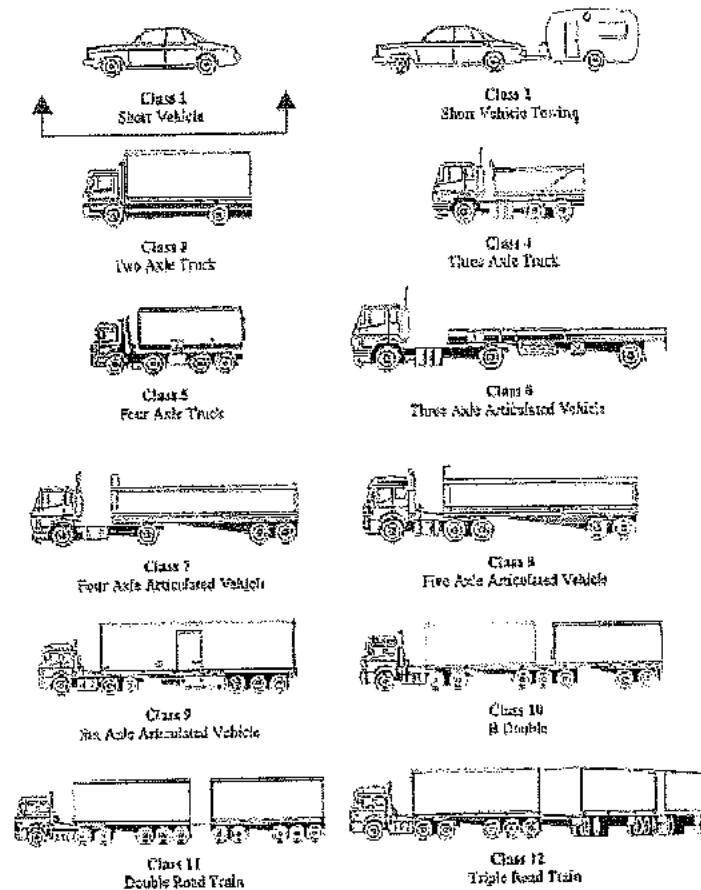
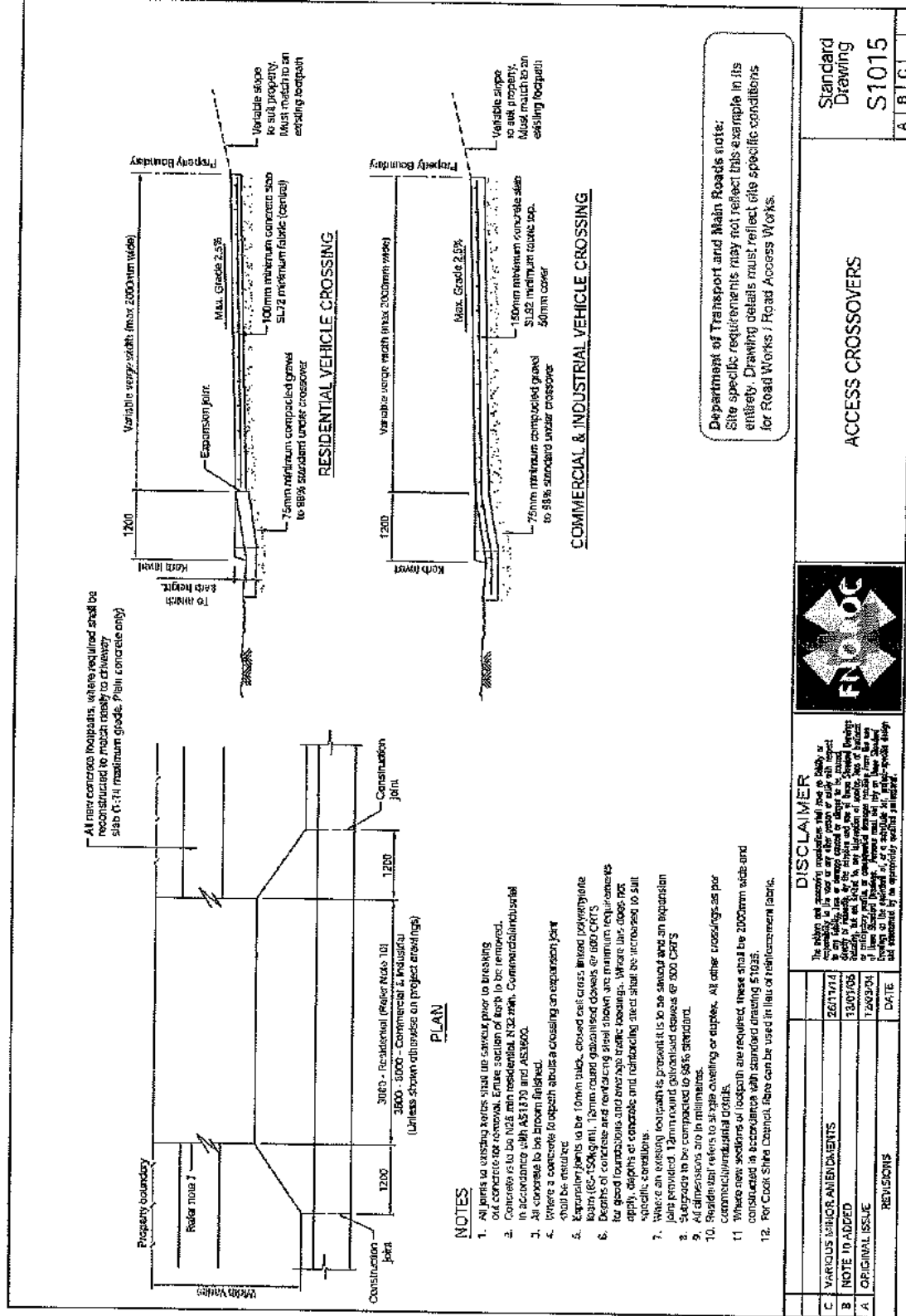


Figure A 13: Representative vehicles in Austroads 12-bin classification system

A.5.3 Methods of Collecting Vehicle Classification Data

Manual vehicle classification methods, based on either vehicle body type (e.g. surveys by the Australian Bureau of Statistics) or axle configurations (e.g. Austroads), have been used for many years. Manual methods are now largely confined to intersection turning movement counts. As these surveys require considerable human resources, they are costly and generally limited to short period counts – generally up to 12 hours duration.



Douglas Shire Council Decision Notice
Section 63 of the *Planning Act 2016*

GE78-M



Department of
State Development,
Manufacturing,
Infrastructure and Planning

Department of State Development, Manufacturing, Infrastructure and Planning
Statement of reasons for application 1710-2156 SRA
(Given under section 58 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: W & L Patrie c/- Planz Town Planning Pty Ltd
Applicant contact details: PO Box 181
Edge Hill QLD 4870
info@planztp.com

Location details

Street address: 49 Macrossan Street, Port Douglas
Real property description: Lot 410 on PTD2091
Local government area: Douglas Shire Council

Development details

Development permit: Material change of use for shopping facilities, restaurant, multi-unit housing and holiday accommodation.

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material change of use	State Development Assessment Provisions version 2.1, effective 11 August, 2017 - State code 1: Development in a state-controlled road environment

Reasons for the department's decision

The reasons for the decision are:

- The proposed development adjoins Macrossan Street (Port Douglas Road) which is a state-controlled road.
- A new access is proposed between Lot 410 on PTD2091 (the subject site) and Macrossan Street.
- With conditions, the proposed development complies with the relevant provisions in the State Development Assessment Provisions, State code 1: Development in a state-controlled road environment.
- The proposed access arrangements have been assessed against the *Transport Infrastructure Act 1994* and a decision notice has been issued approving the proposed access location.
- The proposed access arrangements are unlikely to impact on the efficiency and safety of Macrossan Street.

Douglas Shire Council Decision Notice
Section 63 of the *Planning Act 2016*

1710-2156 SRA

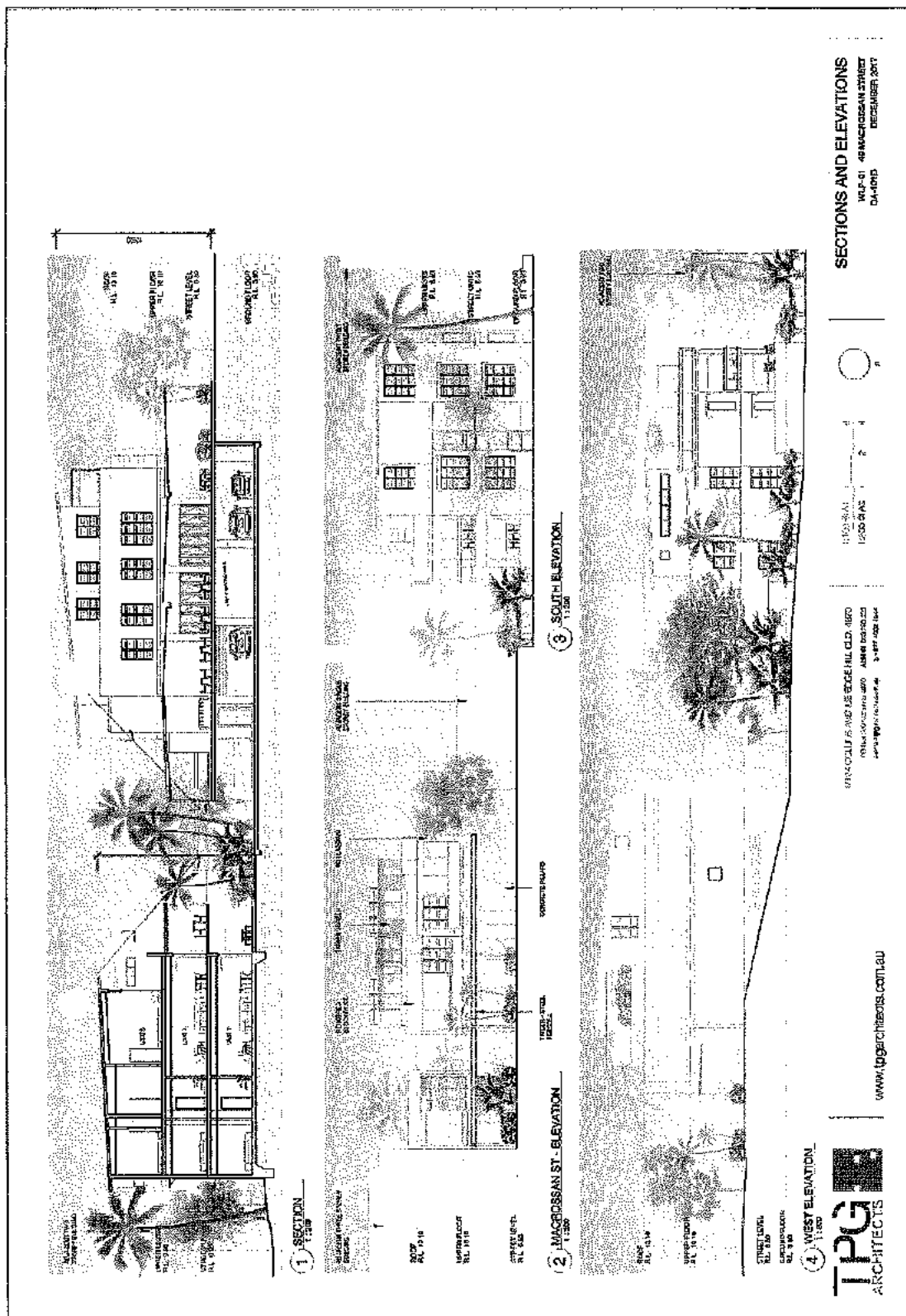
Decision

- The development application is for a material change of use for a mixed development of shopping facilities, restaurant and multi-unit housing and holiday accommodation (7 units) on Lot 410 on PTD2091 (the subject site), located at 49 Macrossan Street (Port Douglas Road), Port Douglas.
- The department issued a referral agency response with conditions, dated 12 January 2018 to attach to any development permit issued.

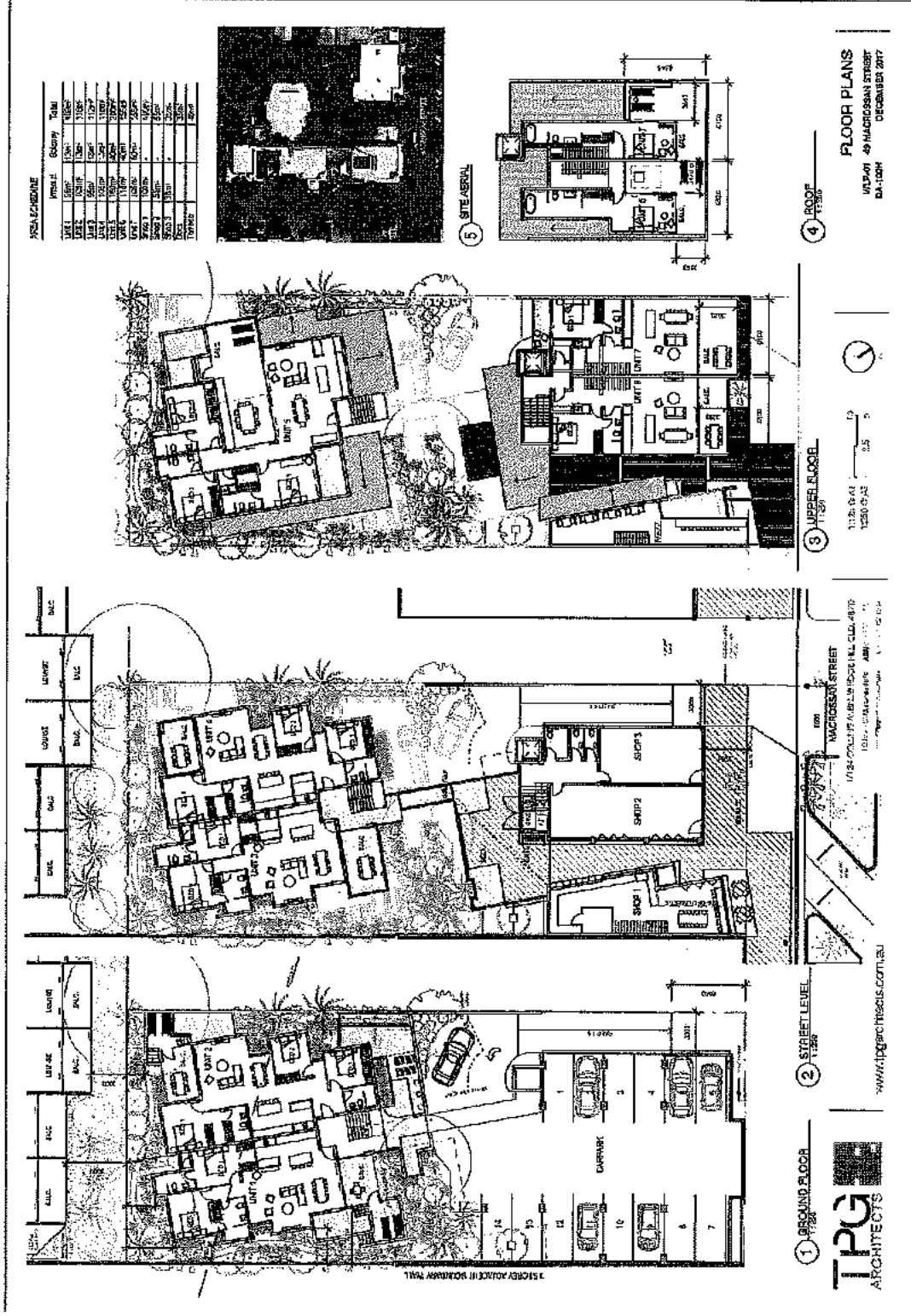
Relevant material

- Development application material including planning report prepared by Planz Town Planning dated 20 September 2017 and the engineering report prepared by C.M.G Consulting Engineers, reference 38807R1, dated 18 December 2017.
- State Development Assessment Provisions, version 2.1 published by the Department of Infrastructure, Local Government and Planning
- Planning Act 2016
- Planning Regulation 2017
- Development Assessment Rules version 1.1.

**Douglas Shire Council Decision Notice
Section 63 of the Planning Act 2016**

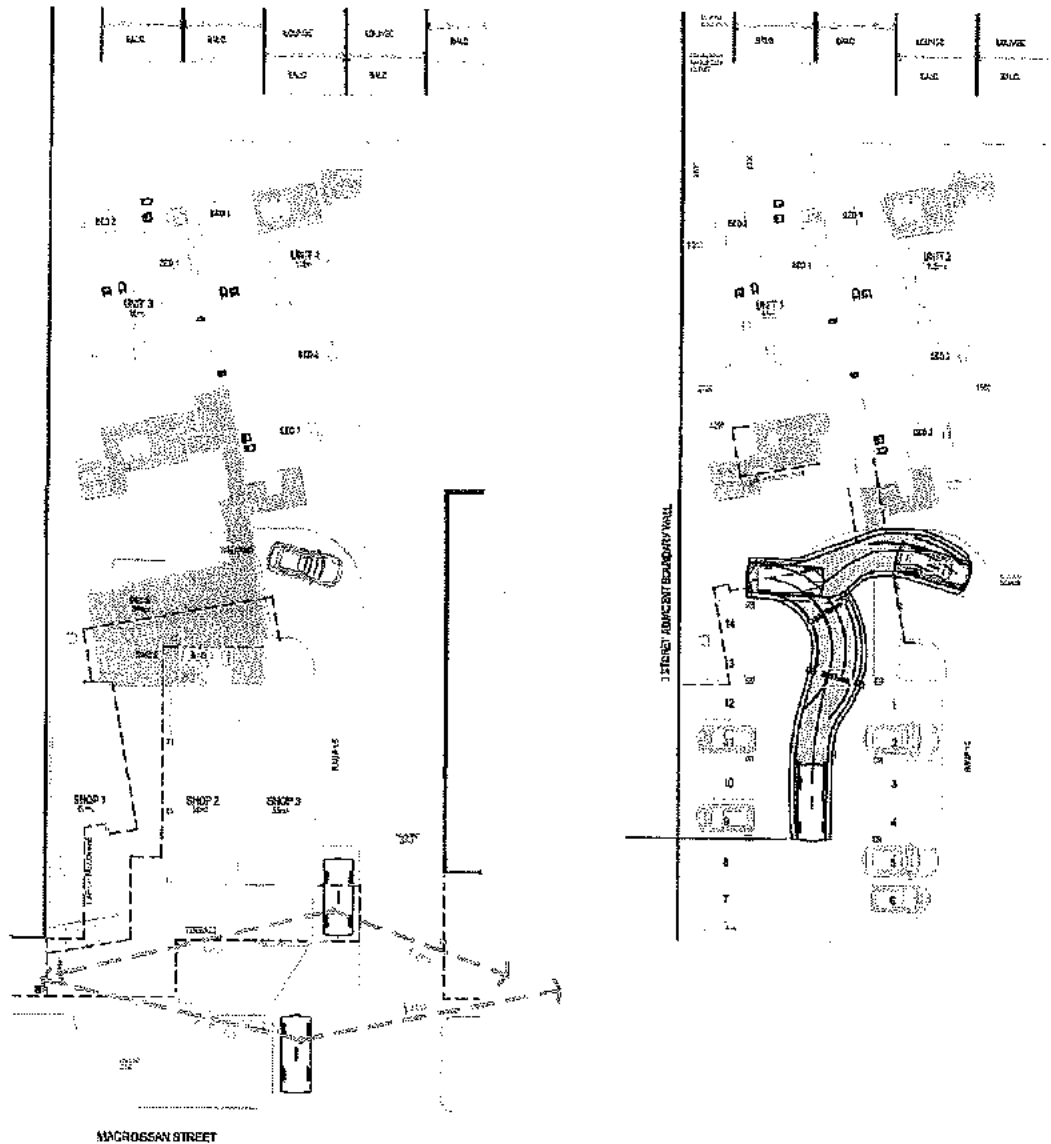


PROPOSAL PLANS (ATTACHING TO THE DECISION NOTICE)





49 Macrossan Street



CM.G. CONSULTING
ENGINEERS PTY LTD.
ACR 111 545 375 STRUCTURAL AND CIVIL

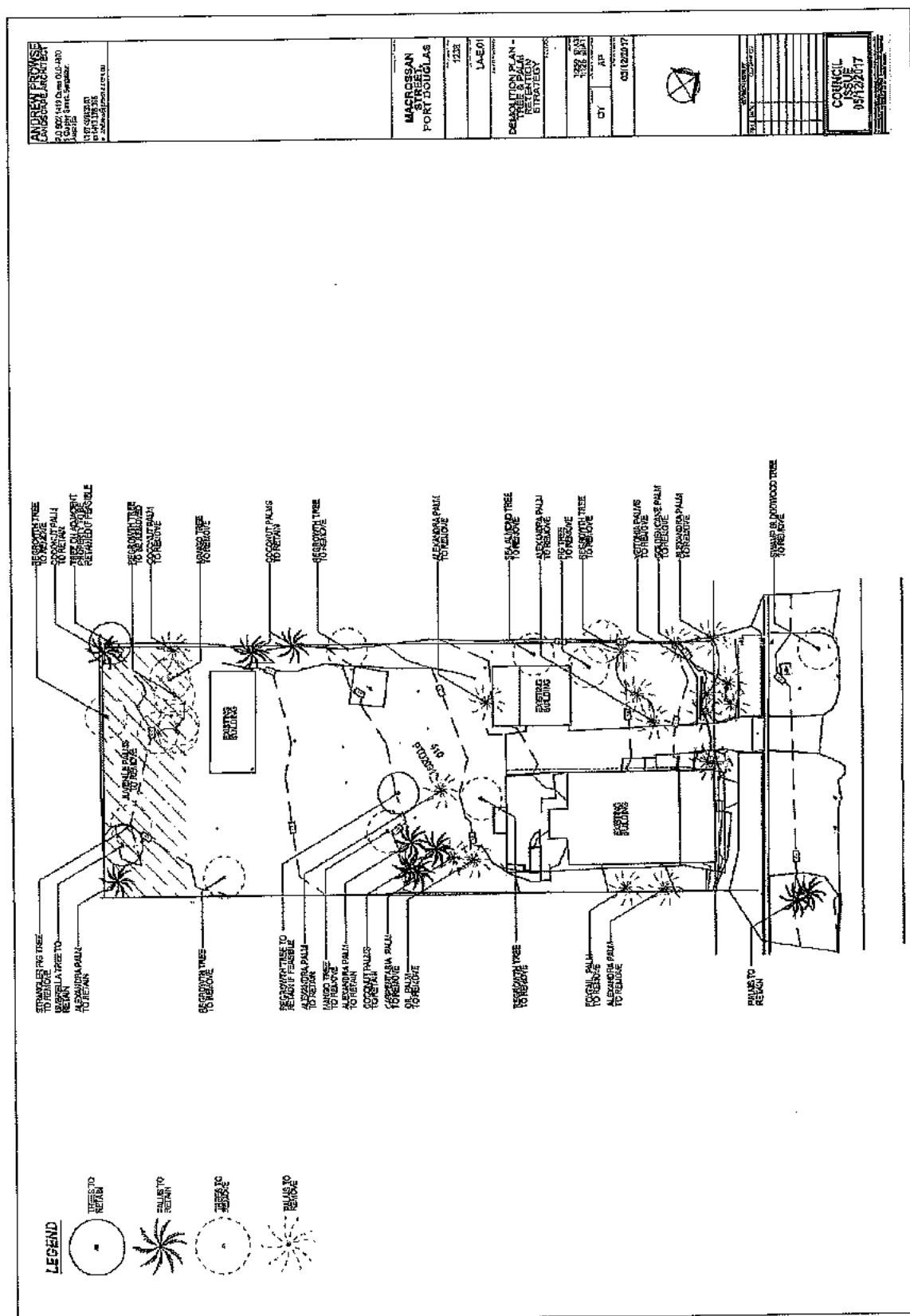
303 Eichen Street
CUNNINGHAM, 4870
Phone: (07) 5031 2725
P.O. Box 5901
Cunningham, 4870
Fax: (07) 5031 2013

Vehicle Swept Paths

Sheet 2 of 2

4 DEC 2017

**Douglas Shire Council Decision Notice
Section 63 of the Planning Act 2016**



PLANTING LIST

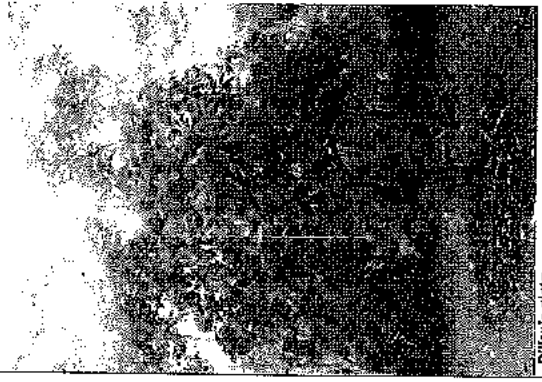
Code	Botanical Name	Common Name	Size	Spacing
Trees				
ATR ft	Atractocarpus fitzalanii	Brown Gardenia	300mm	as shown
DIL ala	Dillenia alata	Red Bead	400mm	as shown
MEL rub	Melicope rubra	Little Evodia	800mm	as shown
XAN v TRA	Xanthostemon chrysanthus 'Trailblazer'	Golden Penda Trailblazer	300mm	as shown
Palms				
CYR ren	Cyrtosperma renata	Lipstick Palm	300mm	as shown
LIC ram	Litsea ramseyi	Daintree Fan Palm	300mm	as shown
PTY ele	Ptychosperma elegans	Solitaire Palm	300mm	as shown
PTY mac	Ptychosperma macarthurii	Macarthur Palm	300mm	as shown
Shrubs and Ground Covers				
ADI his	Adiantum hispidulum	Rough Maidenhair Ferns	140mm	3m ²
ALO mac	Alcaesia macrorrhiza	Elephantia Ears	200mm	1m ²
ALP cae	Alphie caerulea (red back leaf)	Native Ginger	200mm	3m ²
ANG eve	Angiopteris evecta	King Fern	300mm	1m ²
ASP rid	Asplenium nidus	Bird's Nest Fern	200mm	1m ²
BLE v SIL	Blechnum v 'Silver'	Silver Blechnum Fern	140mm	3m ²
COR pan	Corryline caruifolia	Native Cordyline	200mm	2m ²
COR v RED	Corryline fruticosa 'Red Sister'	Red Sister Cordyline	200mm	1m ²
DRA mar	Dracaena marginata	Dracaena	300mm	1m ²
GAR v RAD	Gardenia jasminoides 'Radicans'	Gardenia Radicans	140mm	3m ²
GAR v GLE	Gardenia psittacodes 'Glennie River'	Prostrate Gardenia	140mm	1m ²
GAR sca	Gardenia scabrella	Native Gardenia	140mm	2m ²
LEP v PIN	Leptospermum polygalifolium 'Pink Cascade'	Pink Cascade Tea Tree	140mm	3m ²
LOM hys	Lomandra hystrix	Matt Rush	140mm	6m ²
MEL mal	Melastoma malabatricum	Native Lassandra	140mm	1m ²
MOL cap	Molineria capitata	Weevil Palm	140mm	2m ²
ORT v MAU	Orthostichon aristatus 'Maui'	Cat's Whiskers (mauve flowers)	140mm	2m ²
ORT v WHI	Orthostichon aristatus 'White'	Cat's Whiskers (White Flowers)	140mm	3m ²
SYZ pan	Syzygium paniculatum 'Select'	Lily Pilly	140mm	2m ²
VIO hed	Viola hederacea	Native Violet	140mm	12m ²

MACROSSAN ST, PORT DOUGLAS
PLANTING SCHEME PLANTING LIST

ISSUE DATE: 06/06/2017

ANDREW PROWSE
LANDSCAPE ARCHITECT
15/01/2017
15/01/2017
15/01/2017

TREES

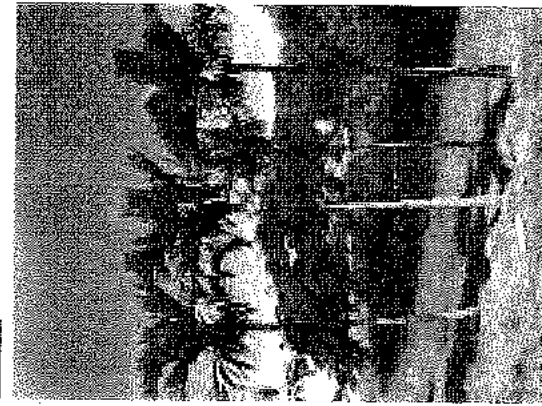


Dillenia alata
Red Beach

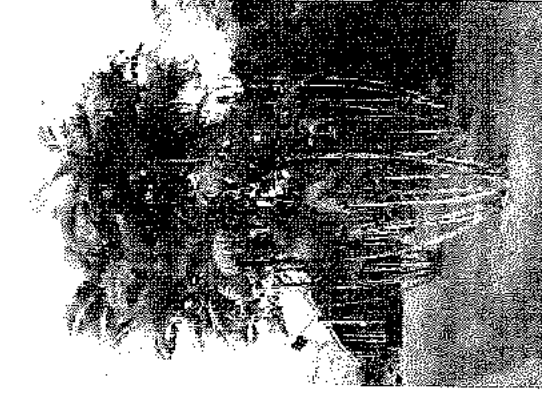


Melaleuca maura
Little Eucalypt

PALMS



Psychosperma elegans
Solitaire Palm



Psychosperma macarthuri
MacArthur Palm



Gilleria alata
Red Beach's flowers



Melaleuca rubra
Little Eucalypt's flowers



Psychosperma elegans
Solitaire Palm



Psychosperma macarthuri
MacArthur Palm


MACROSSAN ST, PORT DOUGLAS

PLANTING SCHEME - SELECTED IMAGES OF TREES & PALMS


ISSUE DATE: 05/DEC/2017

ANDREW PROWSE
LANDSCAPE ARCHITECT
MOBILE 08 4257 00 492
15/11/2017
15/11/2017
15/11/2017


SHRUBS & GROUND COVERS




Alphitonia excelsa (red back leaf)
Native Ginger




Argentea excelsa
King Fern




Corymbia canaliculata
Native Corymb



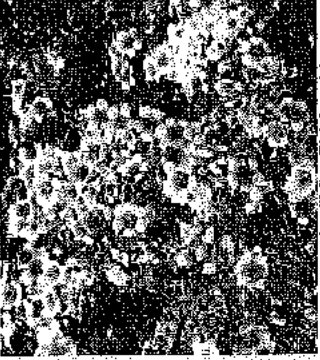
Drosera marginata
Drosera



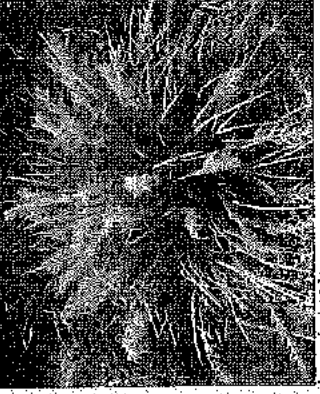
Gardenia scabra
Native Gardenia



Asplenium nidus
Bird's Nest Fern



Leptocarpus polyphyllus 'White Cascade'
Pink Cascade Tea Tree




Commersonia hirsuta
Mant Bush

MACROSSAN ST, PORT DOUGLAS
PLANTING SCHEME - SELECTED IMAGES OF SHRUBS & GROUND COVERS (1)


ISSUE DATE: 05/DEC/2017

ANDREW PROWSE
LANDSCAPE ARCHITECT
111 MACROSSAN ST
PORT DOUGLAS QLD 4870
P 08 9451 412
E ANDREW@PROWSE.COM.AU


SHRUBS & GROUND COVERS




Orchidostemon aristatus 'White'
White Cats Whiskers



Vicia Andersonii
Native Violet



Metrosideros melaleucoides
Native Lassandra

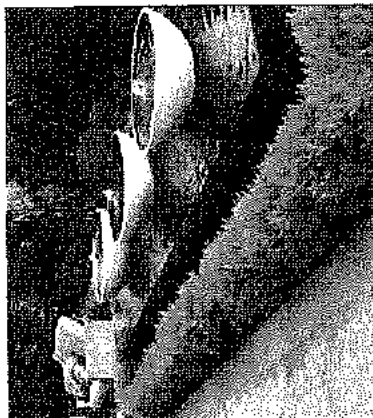
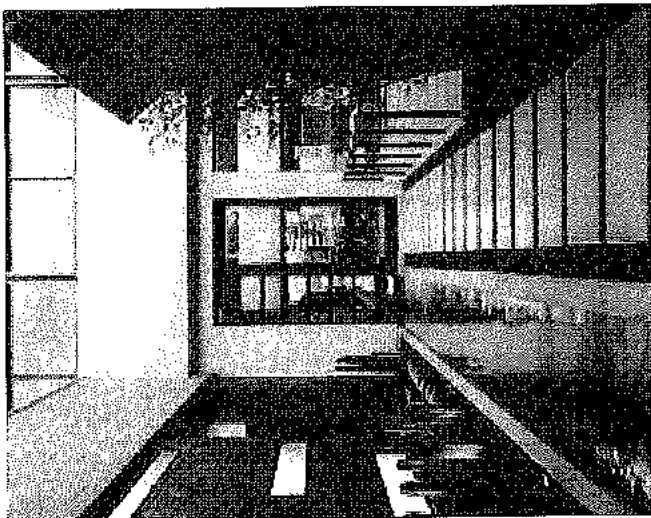
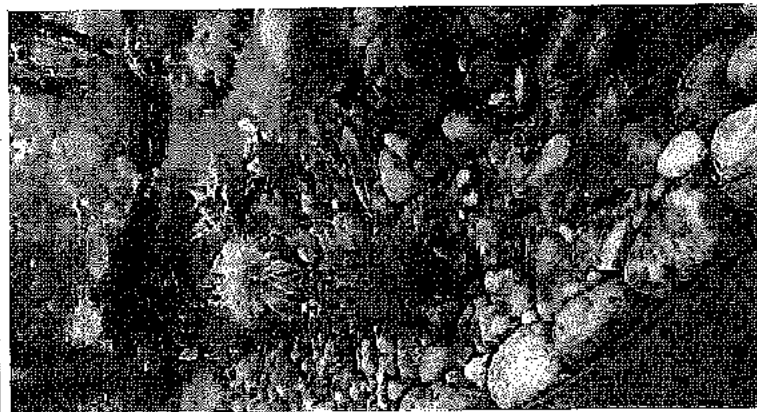


Metrosideros melaleucoides
Native Lassandra's Flowers

**ANDREW PROWSE
LANDSCAPE ARCHITECT**
14/2/16
100 Main Street, Port Douglas, QLD 4877
P: 07 544 1111
A: 07 544 1111
E: andrew@prowse.com.au

MACROSSAN ST, PORT DOUGLAS
PLANTING SCHEME - SELECTED IMAGES OF SHRUBS & GROUND COVERS (2)
ISSUED DATE: 16/DEC/2017

CONCEPT IMAGERY OF LANDSCAPE DESIGN



MACROSSAN ST, PORT DOUGLAS

CONCEPT IMAGES

ISSUE DATE: 05/DEC/2017

ANDREW PROWSE
LANDSCAPE ARCHITECT
10/55A ST
PORT DOUGLAS, QUEENSLAND 4222
P 07 5522 2222
E a.prowse@andrewprowse.com.au

Douglas Shire Council Decision Notice
Section 63 of the Planning Act 2016

ADOPTED INFRASTRUCTURE CHARGES

DOUGLAS SHIRE COUNCIL		2023 Douglas Shire Planning Schemes Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
VSB Parade & L.H. Polia DEVELOPER NAME		8 ESTATE NAME	8 STAGE
48 Abercrombie Street STREET No. & NAME	PCB Douglas	L410 PTB2031 LOT & RP No.	2181 PARCEL No.
Shopping Facilities, Restaurant, Accommodation DEVELOPMENT TYPE	SUBURB	CA 2278209 COINCID. FILE NO.	6 VALIDITY PERIOD (year)
DOC ID 840078 DOC Reference Doc. No.	1 VERSION No.		

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GS Code
Rural Areas - Water Only	proposed	0	0.00		
	existing	0	0.00		
	existing	0	0.00		
	Total		0.00		
Urban Areas - Water only	proposed	0	0.00		
	existing	0	0.00		
	existing	0	0.00		
	Total		0.00		
Urban Areas - Water & Sewer	proposed	0	0.00		
	existing	0	0.00		
	existing	0	0.00		
	Total		0.00		
Urban Areas - Water & Sewer					
Residential Units (2 bedrooms)	3	11,478.71	34,436.13		
Residential units (3 bedrooms)	4	6,396.93	25,587.72		
Food and drink outlets (Restaurants)	100	153.60	15,360.00		
Shops	00	60.10	4,660.30		
Hotel (International)			87,808.46		
Less existing previous existing use	1	14,342.13	14,342.13		
TOTAL			573,466.02		

Prepared by	J.P. Phillips	1-22-16	Amount Paid	
Checked by	D. Lennard	13-Apr-16	Date Paid	
Date Payable			Receipt No.	
Amount Due			Cashier	

Notes:
 The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the Planning Act 2016 as amended Council's resolution from the Special meeting held on 24 June 2015.
 Charge rates under the current Policy are not subject to indexing.
 Charges are payable to Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Murrumbidgee NSW 2573. Cheques must be made payable to Douglas Shire Council and marked "not negotiable". Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.
 Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4059 9143 or by email on enquiries@douglas.qld.gov.au

**SCHEDULE 2 – PLANNING ACT 2016 EXTRACT APPLICANTS RIGHTS ON MAKING
REPRESENTATIONS AND APPEAL RIGHTS**

Planning Act 2016
Chapter 3 Development assessment

[s 75]

- (c) as if a reference in section 76 to a development application were a reference to a change application; and
- (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
- (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or
 - (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
 - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
 - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—

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Current as at 1 January 2018

Authorised by the Parliamentary Counsel

- (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
 - (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.

- (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
 - (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Subdivision 2 Changes after appeal period

77 What this subdivision is about

This subdivision is about changing a development approval, other than the currency period, after all appeal periods in relation to the approval end.

78 Making change application

- (1) A person may make an application (a *change application*) to change a development approval.
- (2) A change application must be made to the responsible entity.
- (3) The *responsible entity* is—
 - (a) for a change application for a minor change to a development condition that a referral agency imposes—the referral agency; or
 - (b) the P&E Court, if—
 - (i) the change application is for a minor change; and
 - (ii) the development approval was given because of an order of the court; and

Planning Act 2016 Extract on appeal rights

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

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Authorised by the Parliamentary Counsel

Planning Act 2016
Chapter 6 Dispute resolution
[s 229]

- (iii) who is a co-respondent in an appeal of the matter;
and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

Planning Act 2016
Chapter 6 Dispute resolution

[s 231]

- (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—

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Authorised by the Parliamentary Counsel

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

24 April 2018

Enquiries: Jenny Elphinstone
Our Ref: CA 2275/2017 (Doc ID 850696)
Your Ref: P81728

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

W B Petrie & L H Petrie
C/- Planz Town Planning
PO Box 181
EDGE HILL QLD 4870

Attention Ms Nikki Huddy

Dear Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR DEVELOPMENT
APPLICATION FOR COMBINED APPLICATION – MATERIAL CHANGE OF
USE FOR SHOPPING FACILITIES, RESTAURANT, MULTI-UNIT HOUSING &
HOLIDAY ACCOMMODATION, AT 49 MACROSSAN STREET PORT
DOUGLAS, ON LAND DESCRIBED AS LOT 410 ON PTD2091**

Council refers to your Decision Notice issued for the above Development Application with Council on 20 September 2017.

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016* (the Act). The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution and is a credit that remains applicable to the land.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Please quote Council's application number: CA 2275/2017 (43.2017.2275.1) in all subsequent correspondence relating to this matter. Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Jenny Elphinstone of Development Assessment and Coordination, Sustainable Communities on telephone number (07) 4099 9482.

Yours faithfully


PAUL HOYE
Manager Sustainable Communities

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

Douglas Shire Council Infrastructure Charges Notice
Section 119 of the *Planning Act 2016*

ADOPTED INFRASTRUCTURE CHARGES NOTICE

		2008 Douglas Shire Planning Schemes Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
DEVELOPERS NAME WB Petrie & LHPetrie		ESTATE NAME 0	STAGE 0
STREET No. & NAME 48 Macrossan Street	SUBURB Port Douglas	LOT & RP No.s L416 PTD2091	PARCEL No. 2181
DEVELOPMENT TYPE Shopping Facilities, Restaurant, Accommodation		COUNCIL FILE NO. CA 2275/2017	VALIDITY PERIOD (year) 6
DOC ID 846878	VERSION No. 1		
BSC Reference Doc. No.			

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water & Sewer					
Residential Units (3 bedroom)	3	11,473.71	34,421.13		
Residential units (2 Bedroom)	4	8,356.63	33,427.72		
Food and drink outlet (Restaurant)	100	153.00	15,300.00		
Shops	93	50.10	4,659.30		
Total Demand			87,808.15		
Less Existing previous dwelling use	1	14,342.13	14,342.13		
TOTAL			\$73,466.02		

Prepared by: **J Elphinstone** **1-Mar-18**

Checked by: **D Larned** **13-Apr-18**

Date Payable: _____

Amount Paid: _____

Date Paid: _____

Receipt No.: _____

Cashier: _____

Amendments

Date

Note:
 The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Special meeting held on 24 June 2015.

Charge rates under the current Policy are not subject to indexing.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

Rights to Make Representations and Appeals Regarding Infrastructure Charges

Planning Act 2016
Chapter 4 Infrastructure

[s 124]

- (a) whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments;
 - (b) whether infrastructure may be provided instead of paying all or part of the levied charge.
- (2) If the levied charge is subject to an automatic increase provision, the agreement must state how increases in the charge are payable under the agreement.

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and

Douglas Shire Council Infrastructure Charges Notice
Section 119 of the *Planning Act 2016*

Planning Act 2016
Chapter 4 Infrastructure

[s 126]

- (b) must state the nature of the changes; and
- (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

**Division 3 Development approval conditions
 about trunk infrastructure**

**Subdivision 1 Conditions for necessary trunk
 infrastructure**

127 Application and operation of subdivision

- (1) This subdivision applies if—

Current as at 1 January 2018

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